



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-817]

CERTAIN COMMUNICATION EQUIPMENT, COMPONENTS THEREOF, AND PRODUCTS CONTAINING THE SAME, INCLUDING POWER OVER ETHERNET TELEPHONES, SWITCHES, WIRELESS ACCESS POINTS, ROUTERS AND OTHER DEVICES USED IN LANS, AND CAMERAS

INSTITUTION OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 1, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of ChriMar Systems, Inc. d/b/a DMS Technologies of Farmington Hills, Michigan. A supplement was filed on November 10, 2011, and an amended complaint was filed on November 16, 2011. The complaint, as amended and supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain communication equipment, components thereof, and products containing the same, including power over ethernet telephones, switches, wireless access points, routers and other devices used in LANs, and cameras by reason of infringement of certain claims of U.S. Patent No. 7,457,250 (“the ‘250 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The amended complaint and supplement, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2011).

SCOPE OF INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on December 1, 2011, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain communication equipment, components thereof, and products containing the same, including power over ethernet telephones, switches, wireless access points, routers and other devices used in LANs and cameras that infringe one or more of

claims 1, 2, 12, 13, 15, 19, 20, 22-26, 29-32, 38, 45, 46, 48, 50, 52, 53, 55, 56, 58-62, 65-68, 74, 81, 82, 84, 86, and 88 of the '250 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

ChriMar Systems, Inc.

d/b/a CMS Technologies

36528 Grand River Avenue, Suite A-1

Farmington Hills, MI 48335

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Cisco Systems, Inc.

170 West Tasman Drive

San Jose, CA 95134

Cisco Consumer Products LLC

120 Theory Drive

Irvine, CA 92617

Cisco Systems International B.V.

Haarlerbergpark

Haarlerbergweg 13-19

1101 CH, Amsterdam

Netherlands

Cisco-Linksys LLC

121 Theory Drive

Irvine, CA 92617

Hewlett-Packard Co.

3000 Hanover Street

Palo Alto, CA 94304

3Com Corporation

350 Campus Drive

Marlborough, MA 01752

Avaya Inc.

211 Mt. Airy Road

Basking Ridge, NJ 07920

Extreme Networks, Inc.

3585 Monroe Street

Santa Clara, CA 95051

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

James R. Holbein

Secretary to the Commission

Issued: December 1, 2011

[FR Doc. 2011-31346 Filed 12/06/2011 at 8:45 am; Publication Date: 12/07/2011]